

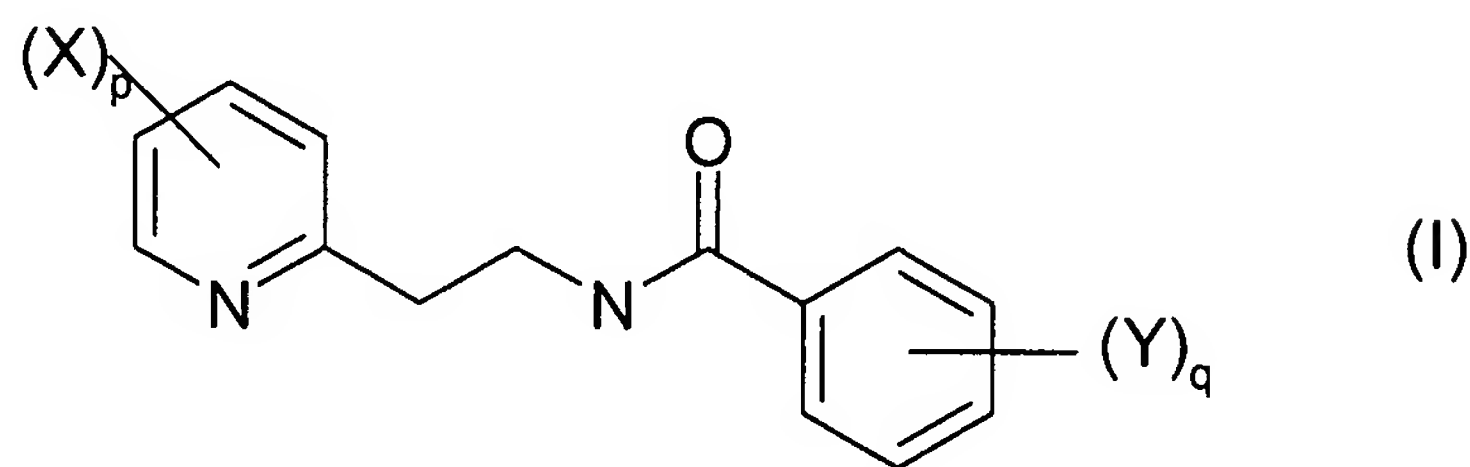
Application Number 10/587,801
AMENDMENT AFTER FINAL of July 28, 2011
Response to Office Action of April 28, 2011

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims

1. (Previously Presented) A composition comprising:
 - (a) a pyridylethylbenzamide derivative of formula (I)



in which:

p is an integer equal to 1, 2, 3 or 4;

q is an integer equal to 1, 2, 3, 4 or 5;

each substituent X is independently selected from the group consisting of halogen, alkyl and haloalkyl;

each substituent Y is independently selected from the group consisting of halogen, alkyl, alkenyl, alkynyl, haloalkyl, alkoxy, amino, phenoxy, alkylthio, dialkylamino, acyl, cyano, ester, hydroxy, aminoalkyl, benzyl, haloalkoxy, halosulfonyl, halothioalkyl, alkoxyalkenyl, alkylsulfonamide, nitro, alkylsulfonyl, phenylsulfonyl and benzylsulfonyl; and to the N-oxides of the 2-pyridine moiety thereof; and

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(b) a compound capable of inhibiting ergosterol biosynthesis selected from the group consisting of azaconazole, bitertanol, bromuconazole, cyproconazole, difenoconazole, diniconazole, epoxiconazole, fenbuconazole, fluquinconazole, flusilazole, flutriafol, hexaconazole, imibenconazole, ipconazole, metconazole, myclobutanil, penconazole, propiconazole, prothioconazole, simeconazole, tebuconazole, tetraconazole, triadimefon, triadimenol, triticonazole, diclobutrazole, etaconazole, fluotrimazole, furconazole, furconazole-cis, triamiphos, and triazbutil;
in an (a)/(b) weight ratio of from 0.01 to 20.

2. (Previously Presented) The composition of claim 1 wherein p is 2.

3. (Previously Presented) The composition of claim 1 wherein q is 2.

4. (Previously Presented) The composition of claim 1 wherein each X is independently selected from the group consisting of halogen and haloalkyl.

5. (Previously Presented) The composition of claim 1 wherein each X is independently selected from the group consisting of a chloro atom and a trifluoromethyl group.

6. (Previously Presented) The composition of claim 1 wherein each Y is independently selected from the group consisting of halogen and haloalkyl.

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7. (Previously Presented) The composition of claim 1 wherein each Y is independently selected from the group consisting of a chloro atom and a trifluoromethyl group.
8. (Previously Presented) The composition of claim 1 wherein the compound of formula (I) is selected from the group consisting of:
N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide;
N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-iodobenzamide; and
N-{2-[3,5-dichloro-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide.
9. (Previously Presented) The composition of claim 8 wherein the compound of formula (I) is N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide.
10. (Previously Presented) The composition of claim 8 wherein the compound capable of inhibiting the ergosterol biosynthesis is a triazole derivative selected from the group consisting of bitertanol, cyproconazole, difenoconazole, epoxiconazole, fluquinconazole, hexaconazole, metconazole, myclobutanil, propiconazole, prothioconazole, tebuconazole, and triadimenol.
- 11-18. (Canceled)
19. (Previously Presented) The composition of claim 1 further comprising a fungicidal compound (c) that is different from (a) and (b) and is selected from the group consisting of

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azaconazole, azoxystrobin,

(Z)-N-[α -(cyclopropylmethoxyimino)-2,3-difluoro-6-(trifluoromethyl)-

benzyl]-2-phenylacetamide, 6-iodo-2-propoxy-3-propylquinazolin-4(3H)-one, benalaxyl,

benomyl, benthiavalicarb, biphenyl, bitertanol, blasticidin-S, boscalid, borax, bromuconazole,

bupirimate, sec-butylamine, calcium polysulfide, captafol, captan, carbendazim, carboxin,

carpropamid, chinomethionat, chlorothalonil, chlozolate, copper hydroxide, copper octanoate,

copper oxychloride, copper sulfate, cuprous oxide, cyazofamid, cymoxanil, cyproconazole,

cyprodinil, dazomet, debacarb, dichlofluanid, dichlorophen, diclobutrazole, diclocymet,

diclomezine, dicloran, diethofencarb, difenoconazole, difenzoquat metilsulfate, difenzoquat,

diflumetorim, dimethirimol, dimethomorph, diniconazole, dinobuton, dinocap, diphenylamine,

dithianon, dodemorph, dodemorph acetate, dodine, edifenphos, epoxiconazole, etaconazole,

ethaboxam, ethirimol, ethoxyquin, etridiazole, famoxadone, fenamidone, fenarimol,

fenbuconazole, fenfuram, fenhexamid, fenciclonil, fenoxanil, fenpropidin, fenpropimorph,

fentin, fentin hydroxide, fentin acetate, ferbam, ferimzone, fluazinam, fludioxonil, fluoroimide,

fluoxastrobin, fluquinconazole, flusilazole, flusulfamide, flutolanil, flutriafol, folpet,

formaldehyde, fosetyl, fosetyl-aluminium, fuberidazole, furalaxyl, furametpyr, guazatine,

guazatine acetates, hexachlorobenzene, hexaconazole, 8-hydroxyquinoline sulfate, potassium

hydroxyquinoline sulfate, hymexazol, imazalil sulfate, imazalil, imibenconazole, iminoctadine,

iminoctadine triacetate, ipconazole, iprobenfos, iprodione, iprovalicarb, isoprothiolane,

kasugamycin, kasugamycin hydrochloride hydrate, kresoxim-methyl, mancopper, mancozeb,

maneb, mepanipyrim, mepronil, mercuric chloride, mercuric oxide, mercurous chloride,

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metalaxyl, metalaxyl-M, metam-sodium, metam, metconazole, methasulfocarb, methyl isothiocyanate, metiram, metominostrobin, mildiomyacin, myclobutanil, nabam, nickel bis(dimethyldithiocarbamate), nitrothal-isopropyl, nuarimol, octhilinone, ofurace, oleic acid, oxadixyl, oxine-copper, oxpoconazole fumarate, oxycarboxin, pefurazoate, penconazole, pencycuron, pentachlorophenol, sodium pentachlorophenoxide, pentachlorophenyl laurate, phenylmercury acetate, sodium 2-phenylphenoxide, 2-phenylphenol, phosphorous acid, phthalide, picoxystrobin, piperalin, polyoxinspolyoxin B, polyoxin, polyoxorim, probenazole, prochloraz, procymidone, propamocarb hydrochloride, propamocarb, propiconazole, propineb, prothioconazole, pyraclostrobin, pyrazophos, pyributicarb, pyrifenox, pyrimethanil, pyroquilon, quinoxifen, quintozone, silthiofam, simeconazole, spiroxamine, sulfur, tar oils, tebuconazole, tecnazene, tetraconazole, thiabendazole, thifluzamide, thiophanate-methyl, thiram, tolclofos-methyl, tolylfluanid, triadimefon, triadimenol, triazoxide, tricyclazole, tridemorph, trifloxystrobin, triflumizole, triforine, triticonazole, validamycin, vinclozolin, zineb, ziram and zoxamide.

20. (Previously Presented) The composition of claim 19 wherein the fungicidal compound (c) is selected from the group consisting of trifloxystrobin, fluoxastrobin, pyrimethanil, thiabendazole, guazatine, imidoctadine, picoxystrobin, pyraclostrobin, azoxystrobin, dimoxystrobin, metaminostrobin, 2-{2-[6-(3-chloro-2-methylphenoxy)-5-fluoro-pyrimidin-4-yloxy]-phenyl}2-methoxyimino-N-methylacetamide, captane, dodine, propineb, mancozeb, spiroxamine,

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prothioconazole, tebuconazole, thirame, tolylfluanid, iminoctadine, dithianon, sulphur, copper hydroxide, copper octanoate, copper oxychloride, copper sulfate, dinocap, quinoxifen, 2-butoxy-6-iodo-3-propyl-benzopyran-4-one, fludioxonil, triazoxide, fosetyl-Al and phosphorous acid.

21. (Canceled)

22. (Previously Presented) A method for preventively or curatively controlling phytopathogenic fungi of crops comprising applying an effective and non-phytotoxic amount of the composition of claim 1 to the seed, the plant and/or to the fruit of the plant or to the soil in which the plant is growing or in which it is desired to grow.

23. (Previously Presented) The composition of claim 9 wherein the compound capable of inhibiting the ergosterol biosynthesis is a triazole derivative selected from the group consisting of bitertanol, cyproconazole, difenoconazole, epoxiconazole, fluquinconazole, hexaconazole, metconazole, myclobutanil, propiconazole, prothioconazole, tebuconazole, and triadimenol.

24. (Currently Amended) The composition of claim 23 ~~9~~ wherein the compound capable of inhibiting the ergosterol biosynthesis is ~~a triazole derivative selected from the group consisting of cyproconazole, fluquinconazole, tebuconazole, and prothioconazole~~ in an (a)/(b) weight ratio of 1.

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25. (New) A method for preventively or curatively controlling phytopathogenic fungi of crops comprising applying the composition of claim 24 to the plant and/or to the fruit of the plant or to the soil in which the plant is growing or in which it is desired to grow at a dose of 30 g/ha.